REMARKS

Claims 10, 13, 15-20, 25-37 are pending in this application after this amendment. Claims 10 13, 16, 17 and 25-28 are independent. New claims 31-37 are presented for consideration by the Examiner. No new matter has been added by the addition of new claims 31-37. Based on the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicants have amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 10, 13, 15-18 and 25-29 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* (USP 6,784,917) in view of *Swift et al.* (U.S. Patent Application Publication No. 2002/0122585); and rejected claims 19-20 and 30 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* in view of *Swift et al.* and further in view of *Iizuka et al.* (U.S. Patent Application Publication No. 2002/0054207). Applicants respectfully traverse these rejections.

Claim Rejections – 35 U.S.C. §103 – Yamamoto et al./*Swift et al.*

By this amendment, Applicants have amended claim 10 to recite, *inter alia*, an image coding apparatus for coding a plurality of images data corresponding respectively to a plurality of viewpoints, comprising a joining means for joining the plurality of images data based on a predetermined joining method; a coding means for coding a joined image data; and **a 2-dimensional display image generating method coding means for coding a 2-dimensional display image generating method representing how a 2-dimensional display image is generated from the joined image data, wherein the joining method represents an arrangement position of the image data that should be joined and an inversion direction of**

the image data that should be joined, and wherein the 2-dimensional display image generating method represents image data that should be used within the joined image data.

The Examiner is respectfully reminded of the discussions during the Interview conducted on January 17, 2008. During the Interview, the parties discussed clarifications that may be made to the claims that further define the invention. The Examiner indicated that he believed that the amendments made herein are sufficient to overcome the outstanding rejections. The following arguments are respectfully submitted as discussed during the Interview.

In support of the Examiner's rejection of claim 10, the Examiner admits that *Yamamoto et al.* fails to teach or suggest a 2-dimensional display image generating method coding means for coding a method of generating a 2-dimensional display image from the joined image data. The Examiner relies on the teachings of *Swift et al.* to cure the deficiencies of the teachings of *Yamamoto et al.* citing to paragraphs [0027] and [0050]-[0051] and Fig. 1. Applicants respectfully disagree with the Examiner's characterization of this reference.

The Examiner is reminded that in order to establish *prima facie* obviousness, the Examiner must provide references that teach or suggest all of the claim elements. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *KSR Int'l Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

The disclosure of *Swift et al.* is directed to an electronic stereoscopic media delivery system.

At paragraph [0027], *Swift et al.* discloses as follows:

> ... With regard to display methods this includes a single media file format that is converted to various display formats on the user side; stereoscopic media in a window such as a browser or application; stereoscopic preservation in a window during scrolling and window movement; support of auto-detection 3D stereo hardware systems; script buttons (VRR scripts) to change global stereo formats; stereo media file formats that contain sub media such as VRR and blocks; parallax shift adjustments based on physical size of display window; automatic brightness adjustments; color calibration/adjustments for physical 3D viewing mechanisms, including variations in display devices; crosstalk reduction techniques on user side; smart stereo scaling; integration of stereo media types into one viewer with script interaction; monoscopic and stereoscopic viewing that allows greater distribution since both types can be viewed within one system; save and conversion of one format into another from the Internet using a local drive from the original source; automatic free view image size adjustment to minimize viewing fatigue; pseudostereo correction based on image processing of a few lines or the entire image; scaling stereo media, so that the left and right sources are preserved; and improvements to Anaglyph display methods. Since the format of the original left and right is known, as designated by the tag within the Stereoscopic 3D Media file, the scaling can be done while preserving stereo. Additionally, looking at the storage method used, it is necessary to take the appropriate actions to scale the media while preserving the stereo and to perform scaling done to increase or decrease the display size of the stereoscopic media.

Further, at paragraph [0030], *Swift et al.* discloses as follows:

> [0030] The encoding processes used include independent compression of the Left and Right images. ...

As can be seen from the above teachings, *Swift et al.* discloses that the 2D image is generated from either the right or left monoscopic views that are not joined. The left and right images are independently compressed.

However, claim 10, as amended, requires a 2-dimensional display image generating method coding means for coding **a 2-dimensional display image generating method representing how a 2-dimensional display image is generated from the joined image data, wherein the 2-dimensional display image generating method represents image data that should be used within the joined image data.**

The Examiner asserts in the Advisory Action that *Swift et al.* discloses providing stereoscopic media in electronic form wherein the system provides automatic and manual

optimization adjustments, for example, parallax shift adjustment, brightness control, color adjustment and cross-talk reduction based on the viewing hardware. However, Applicants respectfully submit that these teachings are wholly insufficient to teach or suggest **coding a 2-dimensional display image generating method representing how a 2-dimensional display image is generated from the joined image data**. In addition, these teachings are insufficient to teach or suggest coding a 2-dimensional display image generating method representing how a 2-dimensional display image is generated from the joined image data, **wherein the 2-dimensional display image generating method represents image data that should be used within the joined image data**.

In addition, claim 10 further requires **wherein the joining method represents an arrangement position of the image data that should be joined and an inversion direction of the image data that should be joined**. There is no disclosure that is directed to the joining method representing an arrangement position of the image data that should be joined and an inversion direction of the image data that should be joined.

As discussed during the Interview, neither of the cited references, either alone or in combination, teach or suggest these claim elements. As such, Applicants respectfully submit that claim 10 is not obvious over the references as cited. As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claim 31 is allowable for the reasons set forth above with regard to claim 10 at least based on its dependency on claim 10. It is further respectfully submitted that claims 13, 16, 17 and 25-28 similarly recite at least one of the elements set forth above and thus these claims, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 10.

Claim 16, as amended, recites, a recording medium comprising an image data portion for storing encoded joined image data, encoded joined image data being generated by joining a plurality of images data corresponding respectively to a plurality of viewpoints and by encoding the joined image data, and a header portion for storing header information with respect to the

encoded joined image data, the header portion comprising stereo image identification information that represents the fact that the coded data constitutes a stereo image made up of a plurality of images data, joining direction information representing an arrangement position of the plurality of images data at the time when the plurality of images data were joined, and inversion method information representing an inversion method of each image data at the time when the plurality of images data were joined.

The Examiner asserts in the Advisory Action as follows:

> the claim states 'optimization criterion' but does not limits to the criterion. Swift et al. teaches Stereoscopic media in electronic form (VRR file) that contains image data and other information. Information that contained in Stereoscopic media in electronic form other than image data which reads on the claims broad limitation of 'Header information.

Applicants respectfully submit that none of the claims recite "optimization criterion". In fact, for example, claim 16 clearly a header portion for storing header information with respect to the encoded joined image data, the header portion comprising stereo image identification information that represents the fact that the coded data constitutes a stereo image made up of a plurality of images data, joining direction information representing an arrangement position of the plurality of images data at the time when the plurality of images data were joined, and inversion method information representing an inversion method of each image data at the time when the plurality of images data were joined. Header information is a term of art that one skilled in the art would appreciate. Even if the Examiner's assertion was true, and the VRR file stores information representing a joining method (which Applicants respectfully disagree) there is no disclosure that identifies what information is included in the header portion of the VRR file of Swift.

As such, Applicants respectfully submit that claim 16 is not obvious over the references as cited by the Examiner. It is respectfully requested that the outstanding rejection be withdrawn.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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